

May 15, 2018

Town Board Meeting

A **Regular Meeting** of the Town Board of the Town of Cortlandt was conducted on May 15, 2018 in the Vincent F. Nyberg Meeting Room of the Cortlandt Town Hall located at One Heady Street, Cortlandt Manor, NY (10567) with the following elected official and appointed staff in attendance:

<b>LINDA D. PUGLISI</b>	<b>Supervisor</b>
<b>FRANCIS X. FARRELL</b>	<b>Councilmember</b>
<b>DEBRA COSTELLO</b>	<b>Councilmember</b>
<b>RICHARD BECKER</b>	<b>Councilmember</b>
<b>JAMES CREIGHTON</b>	<b>Councilmember</b>

Also present:

<b>LAROUÉ ROSE SHATZKIN</b>	<b>Town Clerk</b>
<b>CHRISTINE COTHREN</b>	<b>Deputy Town Clerk</b>
<b>TOM WOOD</b>	<b>Town Attorney</b>
<b>PATRICIA ROBCKE</b>	<b>Comptroller</b>
<b>JEFFREY COLEMAN</b>	<b>Director, DES</b>
<b>MICHAEL PREZIOSI</b>	<b>Director, DOTS</b>
<b>CLAUDIA VAHEY</b>	<b>Human Resources Coordinator</b>

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**MEETING CALLED TO ORDER**

Supervisor Puglisi called the meeting to order at 7:00 p.m.

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**PLEDGE TO THE FLAG**

Supervisor Puglisi led all in attendance in a Pledge to the Flag

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**SUPERVISOR’S PROCLAMATIONS AND REPORTS**

**Supervisor Puglisi** mentioned that there will be several Memorial Day ceremonies coming up in a few weeks kicked off by the Town of Cortlandt and then through the weekend with others.

The Historic Toll House opened up for the season, May through the end of October operated by Laura Lee Keating and volunteers.

**Supervisor Puglisi** discussed that May is the month for the Shop, Dine and Do Business in the Town of Cortlandt. Many businesses have given discounts during this event. The Supervisor thanked all the participating businesses and noted that they also support the local teams in the Town.

The **Supervisor** and Councilmember Creighton attended an informative session regarding solar installation. She urged residents to check out the website.

**ROLL CALL**

On a roll call attendance taken by Town Clerk Shatzkin all Town Board members indicated their presence.

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**TOWN BOARD REPORTS**

**Councilmember Farrell:** The appearance of the Cortlandt National Little League was cancelled due to the pending storm. They will be rescheduled.

There will be a public hearing tonight to change a local law regarding regulating garbage dumpsters to address unsightly conditions. The business owners will have a year to comply.

**Councilmember Creighton:** They held a great solarized event and welcome anyone who would like information and sign up. There will be another solarized event this week and Councilmember Creighton urged residents to attend. There are incentives if signed up prior to June 4<sup>th</sup>.

Councilmember Creighton commented that the Town is involved with the Westchester Municipal Planning Federation. David Douglas, Zoning Board chair will be honored.

He also attended the New York State Federation of Lakes Association annual meeting to deal with issues with the lakes such as the algae blooms. The Governor's report should be in soon to help our local lakes.

Councilmember Creighton also attended a veteran's meeting at the VA which was very inspiring. There was a lot of interest in having some of the veterans do video interviews to memorialize their stories.

Supervisor Puglisi stated she would be "kicking off" the interviews with Ken Sherman.

**Councilmember Becker:** Thanked Councilmember Farrell for his contribution to the Town on rowing, recently seeing the club in a rowing event in Boston.

Councilmember Becker spoke of an issue he had previously discussed, plastic bags and the need for an ordinance against them. This year the state and county might be doing it and the Town will take a wait and see stance.

He also served on the search committee to appoint 2 assistant attorneys and 2 very skillful young attorneys were hired. Councilmember Becker congratulated them.

**TOWN BOARD REPORTS, (cont.)**

**Councilmember Costello:** Welcomed the new attorneys to the Town of Cortlandt.

On June 6 at Town Hall there will be a meeting to discuss MOD. Also tonight is the School Board vote and Councilmember Costello urged residents to vote and to also attend some of the Memorial Day ceremonies.

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**APPROVAL OF THE MINUTES**

Councilmember Costello moved that the regular minutes of March 13, 2018 be approved as presented by Town Clerk Shatzkin. Councilmember Becker seconded the motion.

All voted **AYE**

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**PUBLIC HEARINGS**

- 1. Public Hearing to consider a 9 month moratorium on commercial solar farms within the Town and direct staff to draft an ordinance regulating all ground-mounted solar installations and solar farms.**

(A complete transcript of these Public Hearings is on file in the Office of the Town Clerk.)

The Town Clerk read the Notices of Hearing and presented its Affidavit of Publication from the official Town newspaper.

**Supervisor Puglisi** called the hearing to order at 7:23 p.m.

**Tom Wood** explained that the Town fully supports solar and the implementation of solar power within the Town, however there is a void that needs to be addressed and right now our ordinances do not as of now allow solar farms anywhere in the Town. So the Town Board wants to take a look at that and enact appropriate regulations for that. By enacting a moratorium we're going to prevent anyone from trying to go to the zoning board and go through a process of attempting to get a use variance which is a very difficult variance to get and the Board wants to take a little time out, get an ordinance together, put it out to the public and get some comments. He stated that they are hoping that it will take less than 9 months. The Board wants to address some regulations about solar panels on residential properties that cannot be mounted on the roofs that are ground mounted. It may have other impacts on neighbors, so he stated that they want to take a look at some soft regulations that will assist and make the processing of installation easier if there are rules to go by without having to go to the Zoning Board.

**PUBLIC HEARING, (cont.)**

**Scott Spagh**  
153 Mercer St.  
Manhattan

**Scott Spagh** stated that his company is installers and developers and he wanted to understand the best way to communicate with members of the Town while they go through the process so that they can plan accordingly.

**Tom Wood** responded that if he wanted to send in any comments, the Town can consider those in the drafting which will be available within the next 3-4 weeks.

A motion to close the Public Hearing at 7:27 p.m., Adopt a Negative Declaration and Adopt a Resolution regarding a Local Law was made by Councilmember Becker and seconded by Councilmember Creighton.

All Voted **AYE**

**RESOLUTION NO.148-18 RE: Adopt a Negative Resolution with respect to considering a 9 month moratorium on commercial solar farms within the Town**

**RESOLUTION NO.147-18 RE: Resolution regarding adopting a Local Law with respect to considering a 9 month moratorium on commercial solar farms within the Town**

**Local Law #3-18: Enact a 9 month Moratorium on Commercial Solar Farms within the Town of Cortlandt**

All voted **AYE**

**2. Public Hearing to amending Chapter 188 of the Town Code- Historic and Scenic Roads.**

**Supervisor Puglisi** called the hearing to order at 7:27 p.m.

**Tom Wood** explained that the Town Board previously adopted this law which requires Planning and Zoning Board in any application to give further consideration along certain roads in the Town which are very historic, just by the fact that they were here from the 1700's, some have stone walls along them, etc. In the process, they had a consultant, did a study. There are two roads that have a very similar name and so what happens is one got put into the other and this will merely straighten it out and ID the missing candidate.

**PUBLIC HEARING, (cont.)**

**Supervisor Puglisi** explained that a public hearing is necessary even for a minor revision.

A motion to close the Public Hearing at 7:29 p.m., Adopt a Negative Declaration and Adopt a Resolution regarding a Local Law was made by Councilmember Creighton and seconded by Councilmember Farrell

All voted **AYE**

**RESOLUTION NO.148-18 RE: Adopt a Negative Resolution with respect to amending Chapter 188 of the Town Code- Historic and Scenic Roads.**

**RESOLUTION NO.149-18 RE: Resolution regarding adopting a Local Law amending Chapter 188 of the Town Code- Historic and Scenic Roads.**

**Local Law #4-18: Amend Chapter 188 of the Town Code- Historic and Scenic Roads.**

**3. Public Hearing to amending the Sign Law.**

**Supervisor Puglisi** called the hearing to order at 7:29 p.m.

**Tom Wood** stated that this local law is to consider two amendments to the Town sign law and will be adjourned to allow staff to modify or tweak the law a bit more. This will address how you measure certain signs and also try to get a handle on some of the free standing signs to encourage combining them for adjoining classes and to modify the measurements thereof between the signs and the post in the hopes for better looking signs by allowing more creativity in the structure that holds the sign.

**Supervisor Puglisi:** It's been an evolution of sign laws, we tweak it, it evolves and we amend as we go through. Your recommendation is to adjourn?

**Councilmember Farrell** expressed his concern that this will not have an impact on other areas of Town where larger signs that might be acceptable on one site might not be acceptable on another site but accidentally permitted.

**A motion to adjourn** the Public Hearing at 7:33 p.m. was made by Councilmember Farrell and seconded by Councilmember Creighton.

All Voted **AYE**

**PUBLIC HEARING, (cont.)**

**4. Public Hearing to consider the Dumpster Enclosure Law.**

Supervisor Puglisi called the hearing to order at 7:33 p.m.

Tom Wood explained that this addresses the location of the garbage dumpster and the enclosures on commercial sites. This law is an attempt to retrofit some of the older approved subdivisions to clean up some of the situations with dumpsters. This law would give a 12 month period for us to inform property owners of the requirements and to work with property owners to attempt to get them to put the dumpsters in their appropriate place with appropriate screening.

A motion to close the Public Hearing at 7:35 p.m., Adopt a Negative Declaration and Adopt a Resolution regarding a Local Law was made by Councilmember Becker and seconded by Councilmember Creighton.

All Voted **AYE**

**RESOLUTION NO.150-18 RE: Adopt a Negative Resolution with respect to considering the Dumpster Enclosure Law.**

**RESOLUTION NO.151-18 RE: Resolution regarding adopting a Local Law with respect to considering the Dumpster Enclosure Law.**

**Local Law #5-18: Enact the Dumpster Enclosure Law.**

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**BID REPORTS**

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**HEARING OF CITIZENS, (AGENDA ITEMS ONLY)**

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Councilmember Becker moved that the following reports be received and ordered filed. Councilmember Creighton seconded the motion.

**REPORTS**

For the month of March from the Purchasing Department, Office of the Aging, Receiver of Taxes and the Town Clerk.

**OLD BUSINESS**

**Receive and File the Following:**

- 1. Memorandum from Director of DES regarding Toddville Lane.
- 2. Memorandum from Director of DOTS and Town Assessor pertaining to various Mendelowitz properties offered to the Town of Cortlandt

**NEW BUSINESS**

**Receive and File the Following:**

- 1. Annual MS4 Stormwater Report for reporting period March 9, 2017 thru March 8, 2018.
- 2. Memorandum from the Town Clerk regarding E-Z Pass Retailer application; refer to Legal and Comptroller.
- 3. Letter from Verplanck Fire Department in reference to use of Town quarry; refer to DES & Legal.

**Discussion:** Supervisor Puglisi stated that the MS4 Stormwater Report is a mandate that is very important.

Michael Preziosi explained this report and its requirements.

All voted **AYE**

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**RESOLUTIONS**

**(All resolutions adopted at this meeting are to be found attached to the end of the original document.)**

Councilmember Creighton moved that the following resolutions be adopted, seconded by Councilmember Farrell

**RESOLUTION NO.152-18 RE: Appoint Michael Fleming as the Town’s Community Development Advisement Group representative.**

**RESOLUTION NO.153-18 RE: Appoint two Assistant Town Attorneys to fill vacancy.**

All voted **AYE**

**RESOLUTIONS, (cont.)**

Councilmember Creighton moved that the Board be Polled for the following resolution, seconded by Councilmember Farrell

**RESOLUTION NO.154-18 RE: Appoint additional seasonals, interns and recreation staff for summer season.**

**The Board was Polled:**

<b><u>Councilmember Farrell:</u></b>	<b>Yes</b>
<b><u>Councilmember Costello:</u></b>	<b>Abstain</b>
<b><u>Supervisor Puglisi:</u></b>	<b>Yes</b>
<b><u>Councilmember Creighton:</u></b>	<b>Yes</b>
<b><u>Councilmember Becker:</u></b>	<b>Yes</b>

The motion **Passed**

Councilmember Creighton moved that the following resolutions be adopted, seconded by Councilmember Farrell

**RESOLUTION NO.155-18 RE: Appoint members to the Historical Advisory Council.**

Agenda Items for **DOTS:**

**RESOLUTION NO.156-18 RE: Authorize payment to WSP Sells (formerly LBG) in the amount of \$3,052.71 for the preparation of the Environmental Assessment of 167 Road Hook Road and review of the Environmental Assessment for 301 6<sup>th</sup> Street, Verplanck.**

**RESOLUTION NO.157-18 RE: Authorize DOTS to solicit bids for miniature golf course.**

**RESOLUTION NO.158-18 RE: Authorize an agreement with the County of Westchester for the purpose of undertaking a Community Development Program.**

Agenda Items for **DES:**

**RESOLUTION NO.159-18 RE: Authorize a refund for water service account 01-4002780-0.**

**RESOLUTION NO.160-18 RE: Appoint summer seasonal laborers for DES.**

**RESOLUTIONS, (cont.)**

**RESOLUTION NO.161-18 RE: Amend the Vehicle and Traffic law to prohibit parking along both sides of Broadway from Hardie Street to Second Street and along the east side of Broadway between Second Street and Third Street.**

**RESOLUTION NO.162-18 RE: Authorize the purchase of fleet replacement vehicles including three Mason body dumps, a hydrant crane truck and a nutrition program vehicle.**

**RESOLUTION NO.163-18 RE: Authorize two Leaves of Absence for various Town Employees.**

**Discussion:** Supervisor Puglisi commented that they are pleased that they are going forward with the miniature golf project. Tom Wood explained that the water service refund is for \$759. On the purchase of the replacement vehicles, Supervisor Puglisi stated that these vehicles will be added to the fleet. Comptroller Patty Robcke added that they have been working diligently on the replacement policy and determine on a needs basis what needs to be replaced. They have been averaging about 7 vehicles a year. The Supervisor added that there was no borrowing, just “pay as you go”. Councilmember Becker commended Jeff Coleman on this replacement program and with working with the Village of Croton for their vehicles.

All voted **AYE**

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**ADDITIONS TO THE AGENDA**

Councilmember Farrell moved that the following resolutions are adopted.  
Councilmember Costello seconded the motion.

**RESOLUTION NO.164-18 RE: Resolution in support of air emissions regulations affecting natural gas infrastructure facilities.**

**RESOLUTION NO.165-18 RE: Resolution authorizing the Supervisor to execute 2018 Library Agreements.**

**RESOLUTION NO.166-18 RE: Resolution to amend the temporary service pool list.**

**Discussion:** none

All voted **AYE**

**BUDGET TRANSFERS**

Councilmember Costello moved that the following resolution be adopted, seconded by Councilmember Becker:

**Discussion:** Patty Robcke, Town Comptroller explained that due to unforeseen expenses that come up during the year and they use contingency funds which must be approved, such as a garage rental and overtime expenses. The Town applies to FEMA for expenses due to storms.

All voted **AYE**

**RESOLUTION NO.167– RE: Authorize budget transfers.**

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**REPORTS FROM VARIOUS DEPARTMENTS**

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**REPORTS FROM STANDING & SPECIAL COMMITTEES**

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**SECOND HEARING OF CITIZENS**

**John DeBenedictus**

Spoke regarding the school budget and its planned expenditures and that the Town needs to advise the school district.

**Heidi Franco**  
**1059 Quaker Bridge East**

Spoke regarding the proposed Cell Tower near her home. She will be meeting with Senator Gillibrand to make changes and influence the types of development in the area.

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**ADJOURNMENT**

The meeting was adjourned at 8:09 p.m. on a motion by Councilmember Becker, seconded by Councilmember Costello

All voted **AYE**

Respectfully submitted,

**Laroue Rose Shatzkin**  
**Town Clerk**

**May 15, 2018**

**Town Board Meeting**